

HOUSE BILL 289

E4

0lr1542
CF SB 620

By: Delegates Smigiel, Aumann, Bates, Beitzel, Boteler, Carter, Conaway, Costa, Dwyer, Eckardt, Elmore, Frank, George, Haddaway, Jennings, Kach, Kelly, Kramer, Krebs, McComas, Miller, Norman, Schuh, Serafini, Shank, Shewell, Sophocleus, Sossi, Stocksdale, Stull, ~~and Walkup~~ Walkup, McDonough, Ali, Anderson, Barnes, Bartlett, Beidle, Bohanan, Burns, Cane, G. Clagett, Conway, Donoghue, Elliott, Feldman, Frush, Harrison, Healey, Impallaria, Ivey, Jameson, Jenkins, Kaiser, King, Kipke, Krysiak, Kullen, Levi, Levy, Love, Malone, Manno, McConkey, Montgomery, Murphy, Myers, Nathan-Pulliam, Niemann, O'Donnell, Oaks, Pena-Melnyk, Ramirez, Reznik, Robinson, Rudolph, Stein, Stifler, Stukes, Tarrant, Taylor, Vaughn, Waldstreicher, and Wood

Introduced and read first time: January 27, 2010

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2010

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – Child Sexual Offenders – Diminution Credits ~~and~~**
3 **~~Parole~~**

4 FOR the purpose of prohibiting the earning of diminution credits to reduce the term of
5 confinement of an inmate who is serving a sentence in a State or local
6 correctional facility for committing a certain sexual crime against a ~~minor~~
7 victim who is a child under a certain age; ~~providing that an inmate who is~~
8 ~~serving a sentence for committing a certain sexual crime against a minor is not~~
9 ~~eligible for parole consideration and may not be granted parole at any time~~
10 ~~during the inmate's sentence~~ providing for the construction of a certain
11 provision of this Act; providing for the application of this Act; and generally
12 relating to the elimination of diminution credits ~~and parole eligibility~~ for
13 persons serving sentences for committing certain sexual crimes against
14 children.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
 2 Article – Correctional Services
 3 Section 3–702 and 11–502
 4 Annotated Code of Maryland
 5 (2008 Replacement Volume and 2009 Supplement)

6 ~~BY adding to~~
 7 ~~Article – Correctional Services~~
 8 ~~Section 7–301(e)~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(2008 Replacement Volume and 2009 Supplement)~~

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article – Correctional Services**

14 3–702.

15 (A) Subject to **SUBSECTION (B) OF THIS SECTION**, § 3–711 of this subtitle,
 16 and Title 7, Subtitle 5 of this article, an inmate committed to the custody of the
 17 Commissioner is entitled to a diminution of the inmate’s term of confinement as
 18 provided under this subtitle.

19 (B) **AN INMATE WHO IS SERVING A SENTENCE FOR VIOLATION OF §**
 20 **3–303, § 3–304, § 3–305, OR § 3–306 OF THE CRIMINAL LAW ARTICLE**
 21 **INVOLVING A ~~MINOR~~ VICTIM WHO IS A CHILD UNDER THE AGE OF 16 YEARS IS**
 22 **NOT ENTITLED TO A DIMINUTION OF THE INMATE’S TERM OF CONFINEMENT AS**
 23 **PROVIDED UNDER THIS SUBTITLE.**

24 ~~7–301.~~

25 ~~(E) AN INMATE WHO IS SERVING A SENTENCE FOR VIOLATION OF §~~
 26 ~~3–303, § 3–304, § 3–305, OR § 3–306 OF THE CRIMINAL LAW ARTICLE~~
 27 ~~INVOLVING A MINOR VICTIM IS NOT ELIGIBLE FOR PAROLE CONSIDERATION~~
 28 ~~AND MAY NOT BE GRANTED PAROLE AT ANY TIME DURING THE INMATE’S~~
 29 ~~SENTENCE.~~

30 11–502.

31 (A) [An] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION**, AN
 32 inmate who has been sentenced to a term of imprisonment shall be allowed deductions
 33 from the inmate’s term of confinement as provided under this subtitle for any period of
 34 presentence or postsentence confinement in a local correctional facility.

1 **(B) (1) AN INMATE WHO IS SERVING A SENTENCE FOR VIOLATION OF**
 2 **§ 3-303, § 3-304, § 3-305, OR § 3-306 OF THE CRIMINAL LAW ARTICLE**
 3 **INVOLVING A ~~MINOR~~ VICTIM WHO IS A CHILD UNDER THE AGE OF 16 YEARS MAY**
 4 **NOT BE ALLOWED DEDUCTIONS FROM THE INMATE’S TERM OF CONFINEMENT AS**
 5 **PROVIDED UNDER THIS SUBTITLE FOR ANY PERIOD OF PRESENTENCE OR**
 6 **POSTSENTENCE CONFINEMENT IN A LOCAL CORRECTIONAL FACILITY.**

7 **(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO REQUIRE AN**
 8 **INMATE TO SERVE A LONGER SENTENCE OF CONFINEMENT THAN IS**
 9 **AUTHORIZED BY THE STATUTE UNDER WHICH THE INMATE WAS CONVICTED.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
 11 construed to apply only prospectively and may not be applied or interpreted to have
 12 any effect on or application to any offense committed before the effective date of this
 13 Act.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 15 October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.